



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3023733
Applicant Name: Jodi Patterson-O'Hare
Address of Proposal: 819 Boylston Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the installation of two above ground oxygen tanks (13,000 gallon and 3,000 gallon) and tank enclosures on a new concrete platform (Swedish Medical Center, 1st Hill Campus). Review includes demolishing an existing 2-story, 11,000 sq. ft. medical office building (Marion Clinic). Surface parking for six vehicles will be provided.

The following approvals are required:

SEPA - Environmental Determination (Seattle Municipal Code (SMC) Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND

The project site is near the easterly border of the Swedish Medical Center First Hill Campus (SMCFHC) within the boundaries of the Swedish Medical Center First Hill Major Institution Overlay (MIO) zone. SMCFHC adopted a Major Institution Master Plan (MIMP) in December 2005. Its overall intent is to *“fulfill all City of Seattle requirements in an efficient, collaborative process with stakeholder input to shape the most appropriate Swedish First Hill campus development and mitigate identified impacts.”* As a result, this plan outlines the development



program for the Hospital; establishes development standards for existing and proposed buildings; and provides for a transportation management program. The two above ground oxygen tanks are not specifically called out as to their size or location(s) in the adopted MIMP. Seattle Municipal Code (SMC) 23.69.035.B. permits changes to an approved MIMP that are exempt allowing the Director to approve a change in the plan without publishing an interpretation. The code requires the exempt project to meet five criteria. The Seattle Department of Construction and Inspections (SDCI) reviewed the proposed request to install the two above ground oxygen tanks at 819 Boylston Avenue in June of 2016. In a SDCI written determination dated June 22, 2016, SDCI staff concluded that the two proposed above ground tanks meet the intent of the Code and are considered an exempt change (MUP #3024245).

Site and Vicinity

Site Zone: Major Institution Overlay, High Rise (MIO-240-HR)

Nearby Zones: North: MIO-200-HR
South: MIO-240-HR
West: MIO-240-HR
East: MIO-70-HR

ECAs: There are no environmentally critical areas on the site.

Site Size: 15,360 square feet

Public Comment

The public comment period ended on May 15, 2016. No comments were received.

I. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 4/15/2016. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes *construction*-related noise, environmental health, greenhouse gas, construction traffic and parking impacts.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition and construction activity. The hospital campus and the surrounding area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips and demand for on-street parking. Any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted per SMC 25.05.675.B.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones. If extended construction hours are desired, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

Environmental Health

The building currently on the site was constructed in the late 1940's. Due to the age of the building asbestos may be present. Should asbestos be identified during building demolition, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts. The applicant's environmental checklist acknowledges the possible presence of asbestos and states that those materials would be removed and disposed of by a qualified abatement contractor in accordance with State and Federal guidelines.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, plants and animals and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, and no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The existing structure on site is more than 50 years old. The structure was reviewed for its potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 70-year-old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letter, reference number LPB 165/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The two proposed oxygen tanks will have a capacity of 13,000 gallons and 3,000 gallons. The 13,000 gallon tank will stand approximately 36 feet and the 3,000 gallon tank will stand at approximately half that height. An aluminum extruded vertical slat wall, 36 feet tall, will provide a perimeter screen of the two tanks and associated equipment cabinets from public view.

Section 25.05.675.G describes SEPA policies for height, bulk, and scale. The proposed oxygen tanks and security/screening wall is located within the Swedish First Hill campus adopted Major Institution Master Plan (MIMP). Under SMC 23.41.004.A.2, the project is not subject to Design

Review because the project site is in Major Institution Overlay (MIO) zoning district. However, it is subject to compliance with the adopted MIMP. A Standing Citizens Advisory Committee has reviewed and concurred that the project design meets the requirements of the MIMP. The Committee reviewed the proposed project and found the site design and screening consistent with the adopted MIMP. To assist in minimizing the bulk of the tanks and screening wall, the tank and perimeter wall are setback between 40 and 43 feet from the site's east property boundary, which is adjacent to the existing Boylston streetcar plaza. The project also includes landscaping with trees and ground cover north and south of the tank location. Concrete pavers will be installed to the north, south and east of the tank location. The concrete will be a continuation of the concrete pattern in the adjacent street car plaza. To address the large wall panels comprising the perimeter screening, graphics will be added to the panels to provide interest and reflect the area as a hospital campus.

Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to height bulk and scale are presumed to be sufficient, and additional mitigation is not warranted under SMC 25.05.675.G.

Plants and Animals

Mature vegetation is located on the site, including nine Western Hemlock trees, a black pine tree, a Katsura tree and a Japanese maple. Of the trees on site, the only tree considered an exceptional tree is the Japanese maple which has a 15-inch diameter trunk. The location of this tree is shown on plan sheet L-110 (existing tree plan). The applicant's existing tree plan shows removal of the trees from the site except the black pine tree, which is in the Marion Street right-of-way, and the Japanese maple. Both trees are shown on plan sheet L-110 as being protected in place and are included with the overall landscape plan for the site (plan sheet L-120).

SDCI has reviewed the proposal and determined that the proposed protection of the exceptional tree is adequate. Therefore, no mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

Transportation

A transportation technical memo was completed for the project and included with the applicant's environmental checklist. The memo (*Swedish Medical Center First Hill – Oxygen Tank Farm Relocation Transportation Review, Transpo group, January 19, 2016*) notes that the two tanks will require filling at least every five days. The current tanks used by the hospital require filling every three days. The overall site design will accommodate a tank truck with a trailer. The truck would enter from Marion Street on the west side of the tank site and can drive around the tank from the south and exit again onto Marion Street east of the tanks. An illustration of the truck access is shown on sheet C00-02-01 of the plan set. The application materials also note that truck deliveries will be conducted during off-hours to avoid heavy traffic times. Other than the delivery truck, maintenance vehicles and staff may visit the site on a periodic basis.

The additional trips the two tanks would generate will have minimal impact on levels of service at nearby intersections and on the overall transportation system. The technical memo notes that vehicle conflicts are low due to the delivery schedule of the trucks and anticipated frequency of the deliveries. Therefore, they are not expected to be significant and no further mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

None.

Sean Conrad, Land Use Planner
Seattle Department of Construction and Inspections

Date: November 10, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.